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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,910	01/03/2002	Michio Ihara	Q67977	2298

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08/15/2003

SUGHRUE, MION, ZINN, MACPEAK & SEAS
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Washington, DC 20037

EXAMINER

OMGBA, ESSAMA

ART UNIT

PAPER NUMBER

3726

DATE MAILED: 08/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,910

Applicant(s)

IIHARA ET AL.

Examiner

Essama Omgba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1-6 are objected to because of the following informalities: in claims 1 and 2, line 12 of each claim, "portion" should read --portions--, in claim 2, line 19, "recesses" should read --recess--, line 20, "define" should read --defines--, and in line 22, "members" should read --member--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Method steps in claims 1 and 2 need to be positively recited in order to conform to U.S. rules.

Claims 1 and 2 recite the limitations "the peripheral wall" and "the neighboring track grooves" in lines 8 and 9 respectively in each claim. There is insufficient antecedent basis for these limitations in the claims.

Claim 1 recites the limitation "the associated chamfered portions" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "each of the chamfered portions" in lines 20 and 21. There is insufficient antecedent basis for this limitation in the claim.

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In claim 6, lines 3 and 4, Applicant recites "a small diameter portion, a large diameter portion". It is not clear whether these diameter portions are the ones recited in claim 2.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 2000061576 (JP'576).

JP'576 discloses a method of manufacturing an outer race used in a constant velocity universal joint of a tripod type, the constant velocity joint comprising a cup body 1 and a shaft 2 extending axially outwardly from a bottom of the cup body in a direction opposite to an open end thereof, the cup body having an inner peripheral surface formed with three axially extending track grooves 11a, the cup body further including a radially outwardly protruding wall portion 11b aligned with each of the track grooves, and a radially inwardly depressed wall portion 12 aligned with a reduced diameter portion of the peripheral wall of the cup body between neighboring track grooves, the protruding and depressed wall portions being so defined as to alternate with each other in a direction substantially circumferentially of the cup body, each of the reduced diameter portions of the peripheral wall of the cup body adjacent the open end of the

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latter having a chamfered portion 13 defined at a peripheral lip region of the open end of the cup body, see figures 1, 2 and 4, wherein a reduced diameter portion (d, g), which eventually defines the shaft, a large diameter portion f which eventually defines the cup body and respective shapes T which eventually defines the associated chamfered portions are formed by means of an upsetting technique, see abstract and figures 2-4.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP'576 in view of Applicant's Admitted Prior Art (AAPA).

With regards to claim 2, JP'576 discloses a method of manufacturing an outer race used in a constant velocity universal joint of a tripod type, the constant velocity joint comprising a cup body 1 and a shaft 2 extending axially outwardly from a bottom of the cup body in a direction opposite to an open end thereof, the cup body having an inner peripheral surface formed with three axially extending track grooves 11a, the cup body further including a radially outwardly protruding wall portion 11b aligned with each of the track grooves, and a radially inwardly depressed wall portion 12 aligned with a reduced diameter portion of the peripheral wall of the cup body between neighboring track grooves, the protruding and depressed wall portions being so defined as to alternate

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with each other in a direction substantially circumferentially of the cup body, each of the reduced diameter portions of the peripheral wall of the cup body adjacent the open end of the latter having a chamfered portion 13 defined at a peripheral lip region of the open end of the cup body, see figures 1, 2 and 4, the method comprising an upsetting step for making a generally elongated intermediate member having a small diameter portion and a large diameter portion with an axially inwardly depressed recess defined in an end face of the large diameter portion remote from the small diameter portion, the recess having a tapered peripheral wall face T which eventually defines a general shape of chamfered portions, see figure 3(d). Although the abstract does not disclose a cup forming step by means of a combined pushing method including a forward pushing and a rearward container pushing and a drawing step for shaping the cup body to a final design dimension and shape by means of a drawing technique, however Applicant at pages 1 and 2 of the specification to be known as AAPA, discloses those steps as being part of JP'576 manufacturing process. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have shaped the cup body as taught by JP'576 in order to manufacture the outer race more economically.

For claims 3-5, see figures 3(a) to 3(d) with the die of figures 3(a) to 3(c) and the punch P of figure 3(d).

For claim 6, see figures 3(a) and 3 (b).

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (703) 305-2915. The examiner can normally be reached on M-F (10-7:30) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (703) 308-1513. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3580 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

eo
August 10, 2003

